

STOCKSCHLAEDER, MCDONALD & SULES, P.C., ESQS.
161 WILLIAM STREET, 19TH FLOOR
NEW YORK, NEW YORK 10038
(212) 608-1911
Attorneys for Defendant(s)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

SEAN CARROLL,

Case No.:
07-CIV-9589

Plaintiff(s),

-against-

NOTICE TO ADVERSE
PARTY OF REMOVAL
TO FEDERAL COURT

ABRAHAM MATHEWS,

Defendant(s).

X

TO PLAINTIFF, SEAN CARROLL AND (HIS/HER/ITS) ATTORNEY OF
RECORD:

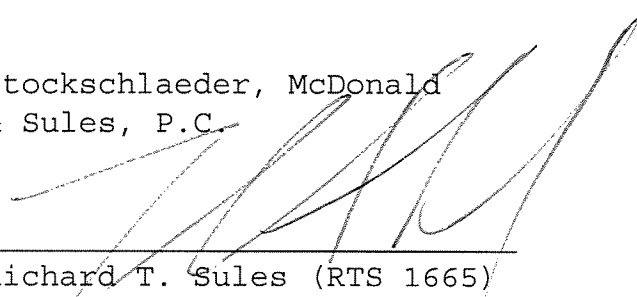
PLEASE TAKE NOTICE THAT a Notice of Removal of this action
was filed in the United States District Court for Southern
District of NEW YORK on October 26, 2007.

A copy of the said Notice of Removal is attached to this
Notice, and is served and filed herewith.

Dated: New York, New York
November 1, 2007

Stockschlaeder, McDonald
& Sules, P.C.

By:



Richard T. Sules (RTS 1665)
Attorney for Defendants
161 William Street, 19th Floor
New York, New York 10038
(212) 608-1911

JUDGE STEIN

CIVIL COVER SHEET

COPY
07 CIV 9589JS 44C/SDNY
REV. 1/97
WEB 12/02

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
SEAN CARROLLDEFENDANTS
ABRAHAM MATHEWSATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
THOMAS J. LAVIN, ESQ.
2980 Bruckner Blvd., Bronx, NY 10465ATTORNEYS (IF KNOWN)
Stockschlaeder, McDonald & Sules, P.C.
161 William St., New York, NY 10038

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332 and is one which may be removed to this Court by defendant(s) pursuant to the provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000 exclusive of interest and costs

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes? ☐ Judge Previously AssignedIf yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY	
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY -	[] 610 AGRICULTURE	[] 422 APPEAL	[] 400 STATE	[] 420 APPEAL	[] 400 STATE
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	[] 365 MED MALPRACTICE	[] 620 FOOD & DRUG	[] 423 WITHDRAWAL	[] 410 ANTI-TRUST	[] 423 WITHDRAWAL	[] 410 ANTI-TRUST
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL &	[] 365 PERSONAL INJURY	[] 625 DRUG RELATED	[] 430 BANKS & BANKING	[] 430 BANKS & BANKING	[] 430 BANKS & BANKING	[] 430 BANKS & BANKING
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	[] 365 PERSONAL INJURY	[] 630 LIQUOR LAWS	[] 440 COMMERCE/ICC	[] 440 COMMERCE/ICC	[] 440 COMMERCE/ICC	[] 440 COMMERCE/ICC
[] 150 RECOVERY OF	[] 330 FEDERAL	[] 368 ASBESTOS PERSONAL	[] 640 RR & TRUCK	[] 450 RATES/ETC	[] 450 RATES/ETC	[] 450 RATES/ETC	[] 450 RATES/ETC
[] 150 RECOVERY OF	[] 330 FEDERAL	[] 368 ASBESTOS PERSONAL	[] 650 AIRLINE REGS	[] 460 DEPORTATION	[] 460 DEPORTATION	[] 460 DEPORTATION	[] 460 DEPORTATION
[] 151 MEDICARE ACT	[] 340 MARINE	[] 368 ASBESTOS PERSONAL	[] 660 OCCUPATIONAL	[] 470 RACKETEER INFLU-	[] 470 RACKETEER INFLU-	[] 470 RACKETEER INFLU-	[] 470 RACKETEER INFLU-
[] 152 RECOVERY OF	[] 345 MARINE PRODUCT	[] 368 ASBESTOS PERSONAL	[] 690 OTHER	[] 480 ORGANIZATION ACT	[] 480 ORGANIZATION ACT	[] 480 ORGANIZATION ACT	[] 480 ORGANIZATION ACT
[] 152 RECOVERY OF	[] 345 MARINE PRODUCT	[] 368 ASBESTOS PERSONAL		[] 490 RICO	[] 490 RICO	[] 490 RICO	[] 490 RICO
[] 153 RECOVERY OF	[] 350 MOTOR VEHICLE	[] 370 OTHER FRAUD		[] 500 SELECTIVE SERVICE	[] 500 SELECTIVE SERVICE	[] 500 SELECTIVE SERVICE	[] 500 SELECTIVE SERVICE
[] 153 RECOVERY OF	[] 355 MOTOR VEHICLE	[] 371 TRUTH IN LENDING		[] 510 SECURITIES/	[] 510 SECURITIES/	[] 510 SECURITIES/	[] 510 SECURITIES/
[] 153 RECOVERY OF	[] 355 MOTOR VEHICLE	[] 380 OTHER PERSONAL		[] 520 EXCHANGE	[] 520 EXCHANGE	[] 520 EXCHANGE	[] 520 EXCHANGE
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 530 CUSTOMER	[] 530 CUSTOMER	[] 530 CUSTOMER	[] 530 CUSTOMER
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 540 CHALLENGE	[] 540 CHALLENGE	[] 540 CHALLENGE	[] 540 CHALLENGE
[] 160 STOCKHOLDERS	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 550 AGRICULTURE ACTS	[] 550 AGRICULTURE ACTS	[] 550 AGRICULTURE ACTS	[] 550 AGRICULTURE ACTS
[] 160 STOCKHOLDERS	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 560 ECONOMIC	[] 560 ECONOMIC	[] 560 ECONOMIC	[] 560 ECONOMIC
[] 190 OTHER CONTRACT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 570 STABILIZATION ACT	[] 570 STABILIZATION ACT	[] 570 STABILIZATION ACT	[] 570 STABILIZATION ACT
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 580 ENVIRONMENTAL	[] 580 ENVIRONMENTAL	[] 580 ENVIRONMENTAL	[] 580 ENVIRONMENTAL
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 590 MATTERS	[] 590 MATTERS	[] 590 MATTERS	[] 590 MATTERS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 600 ENERGY	[] 600 ENERGY	[] 600 ENERGY	[] 600 ENERGY
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 610 ALLOCATION ACT	[] 610 ALLOCATION ACT	[] 610 ALLOCATION ACT	[] 610 ALLOCATION ACT
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 620 FREEDOM OF	[] 620 FREEDOM OF	[] 620 FREEDOM OF	[] 620 FREEDOM OF
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 630 INFORMATION ACT	[] 630 INFORMATION ACT	[] 630 INFORMATION ACT	[] 630 INFORMATION ACT
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 640 APPEAL OF FEE	[] 640 APPEAL OF FEE	[] 640 APPEAL OF FEE	[] 640 APPEAL OF FEE
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 650 DETERMINATION	[] 650 DETERMINATION	[] 650 DETERMINATION	[] 650 DETERMINATION
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 660 UNDER EQUAL ACCESS	[] 660 UNDER EQUAL ACCESS	[] 660 UNDER EQUAL ACCESS	[] 660 UNDER EQUAL ACCESS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 670 TO JUSTICE	[] 670 TO JUSTICE	[] 670 TO JUSTICE	[] 670 TO JUSTICE
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 680 CONSTITUTIONALITY	[] 680 CONSTITUTIONALITY	[] 680 CONSTITUTIONALITY	[] 680 CONSTITUTIONALITY
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 690 OF STATE STATUTES	[] 690 OF STATE STATUTES	[] 690 OF STATE STATUTES	[] 690 OF STATE STATUTES
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[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 710 ACTIONS	[] 710 ACTIONS	[] 710 ACTIONS	[] 710 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 720 ACTIONS	[] 720 ACTIONS	[] 720 ACTIONS	[] 720 ACTIONS
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[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 760 ACTIONS	[] 760 ACTIONS	[] 760 ACTIONS	[] 760 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 770 ACTIONS	[] 770 ACTIONS	[] 770 ACTIONS	[] 770 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 780 ACTIONS	[] 780 ACTIONS	[] 780 ACTIONS	[] 780 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 790 ACTIONS	[] 790 ACTIONS	[] 790 ACTIONS	[] 790 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 800 ACTIONS	[] 800 ACTIONS	[] 800 ACTIONS	[] 800 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 810 ACTIONS	[] 810 ACTIONS	[] 810 ACTIONS	[] 810 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 820 ACTIONS	[] 820 ACTIONS	[] 820 ACTIONS	[] 820 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 830 ACTIONS	[] 830 ACTIONS	[] 830 ACTIONS	[] 830 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 840 ACTIONS	[] 840 ACTIONS	[] 840 ACTIONS	[] 840 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 850 ACTIONS	[] 850 ACTIONS	[] 850 ACTIONS	[] 850 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 860 ACTIONS	[] 860 ACTIONS	[] 860 ACTIONS	[] 860 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 870 ACTIONS	[] 870 ACTIONS	[] 870 ACTIONS	[] 870 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 880 ACTIONS	[] 880 ACTIONS	[] 880 ACTIONS	[] 880 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 890 ACTIONS	[] 890 ACTIONS	[] 890 ACTIONS	[] 890 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 900 ACTIONS	[] 900 ACTIONS	[] 900 ACTIONS	[] 900 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 910 ACTIONS	[] 910 ACTIONS	[] 910 ACTIONS	[] 910 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 920 ACTIONS	[] 920 ACTIONS	[] 920 ACTIONS	[] 920 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 930 ACTIONS	[] 930 ACTIONS	[] 930 ACTIONS	[] 930 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 940 ACTIONS	[] 940 ACTIONS	[] 940 ACTIONS	[] 940 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 950 ACTIONS	[] 950 ACTIONS	[] 950 ACTIONS	[] 950 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 960 ACTIONS	[] 960 ACTIONS	[] 960 ACTIONS	[] 960 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 970 ACTIONS	[] 970 ACTIONS	[] 970 ACTIONS	[] 970 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 980 ACTIONS	[] 980 ACTIONS	[] 980 ACTIONS	[] 980 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 990 ACTIONS	[] 990 ACTIONS	[] 990 ACTIONS	[] 990 ACTIONS
[] 195 CONTRACT PRODUCT	[] 360 OTHER PERSONAL	[] 385 PROPERTY DAMAGE		[] 1000 ACTIONS	[] 1000 ACTIONS	[] 1000 ACTIONS	[] 1000 ACTIONS

RECEIVED
OCT 26 2007
U.S. DISTRICT COURT
S.D. N.Y.
CLERK'S OFFICE

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: ☒ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☐ 1 Original Proceeding
 ☒ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☒ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [X] 1 [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] 5 [] 5
CITIZEN OF ANOTHER STATE	[] 2 [X] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES) (Calendar Rule 4(A))

2758 Matthews Avenue
Bronx, New York 10467
Bronx County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES) (Calendar Rule 4(A))

41 Grant Avenue
Stamford, CT 06902
Fairfield County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ FOLEY SQUARE
(DO NOT check either box if this a PRISONER PETITION.)

DATE 10/26/07 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
[X] YES (DATE ADMITTED Mo. 12 Yr. 1987)
Attorney Bar Code # RTS-1665

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J. Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

STOCKSCHLAEDER, MCDONALD & SULES, P.C., ESQS.
161 WILLIAM STREET, 19TH FLOOR
NEW YORK, NEW YORK 10038
(212) 608-1911
Attorneys for Defendant(s)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COPY

CASE NO:
07 CIV 9589

SEAN CARROLL,

Plaintiff(s),

-against-

NOTICE OF REMOVAL
OF ACTION UNDER 28

ABRAHAM MATHEWS,

(DIVERSITY)

Defendant(s).

X

TO THE CLERK OF THE ABOVE ENTITLED COURT:

PLEASE TAKE NOTICE that defendant, ABRAHAM MATHEWS, hereby removes to this Court the state court action described below.

1. On or about September 19, 2007 an action was commenced in the Supreme Court of the State of New York in and for the County of Bronx entitled SEAN CARROLL, Plaintiffs, ABRAHAM MATHEWS Defendant, as Case Number 301048/07.

2. The first date upon which defendants SEAN CARROLL, received a copy of the said complaint was on September 26, 2007 when defendant(s) received a copy of the said complaint and a summons from the said state court in the mail. A copy of the summons and complaint are attached hereto as Exhibit "A".

3. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1332 and is one which may be removed to this Court by defendant(s) pursuant to the provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs because plaintiff is a citizen of New York and defendant is a citizen of Connecticut.

4. Defendant(s) is(are) informed and believes that plaintiffs was, and still is, a citizen of the State of New York. Defendant(s), SEAN CARROLL was(were), at the time of the filing of this action, and still is, a citizen of Connecticut and is the only defendant that has been served summons and complaint in this action.

Dated: October 26, 2007

New York, New York

Stockschlaeder, McDonald
& Sules, P.C.

By: 

Richard T. Sules (RTS 1665)
Attorney for Defendants
161 William Street, 19th Floor
New York, New York 10038
(212) 608-1911

STOCKSCHLAEDER, MCDONALD & SULES, P.C., ESQS.
161 WILLIAM STREET, 19TH FLOOR
NEW YORK, NEW YORK 10038
(212) 608-1911
Attorneys for Defendant(s)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEAN CARROLL,

Plaintiff(s),

-against-

ABRAHAM MATHEWS,

Defendant(s).

X

CASE NO:
07 CIV 9589

Demand for
Jury Trial

Defendant ABRAHAM MATHEWS, hereby demands trial by jury in
this action.

Dated: October 26, 2007
New York, New York

Stockschlaeder, McDonald
& Sules, P.C.

By: _____

Richard T. Sules (RTS 1665)
Attorney for Defendants
161 William Street, 19th Floor
New York, New York 10038
(212) 608-1911

EXHIBIT "A"

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
SEAN CARROLL,

Plaintiff,

-against-

ABRAHAM MATHEWS,

Defendant.
-----X

Index No.: 301048-07

Date Purchased: 9/19/2007

SUMMONS

Plaintiff designates Bronx
County as the place of trial.

The basis of venue is:
Plaintiff's Residence


Plaintiff resides at:
2758 Mathews Avenue
Bronx, New York 10467

County of Bronx

To the above named Defendant:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorney(s) within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: BRONX, NY
September 17, 2007



THOMAS J. LAVIN, ESQ.
THE LAW OFFICE OF THOMAS J. LAVIN
Attorneys for Plaintiff
SEAN CARROLL
2980 Bruckner Boulevard
Bronx, NY 10465
(718) 829-7400

TO: ABRAHAM MATHEWS
41 Grant Avenue
Stamford, CT 06902

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.: 301648/07
Date Purchased: 9/19/07

-----X
SEAN CARROLL,

VERIFIED COMPLAINT

Plaintiff,

-against-

ABRAHAM MATHEWS,

Defendant.
-----X

Plaintiff, by his attorneys, THE LAW OFFICE OF THOMAS J. PAVIN, complaining
of the Defendant, respectfully alleges, upon information and belief:

1. At all times herein mentioned, Plaintiff SEAN CARROLL was, and still is, a
resident of the County of Bronx, State of New York.

2. At all times herein mentioned, Defendant ABRAHAM MATHEWS was, and still
is, a resident of the County of Fairfield, State of Connecticut.

3. At all times herein mentioned, Defendant ABRAHAM MATHEWS was the
owner of a 2006 Jeep motor vehicle bearing State of Connecticut registration number 242UPU.

4. At all times herein mentioned, Defendant ABRAHAM MATHEWS operated the
aforementioned motor vehicle.

5. At all times herein mentioned, Defendant ABRAHAM MATHEWS managed the
aforementioned motor vehicle.

6. At all times herein mentioned, Defendant ABRAHAM MATHEWS maintained
the aforementioned motor vehicle.

RECEIVED
CLERK
COUNTY OF BRONX
07 SEP 19 AM 10:22

DK1

A

DK1

DK1

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DK1 7. At all times herein mentioned, Defendant ABRAHAM MATHEWS controlled the aforementioned motor vehicle.

DK1 8. At all times herein mentioned, Plaintiff SEAN CARROLL was the operator of a 2007 Isuzu motor vehicle bearing New York State registration number 87475JV, owned by Ryder Truck Rental, Inc.

DK1 9. At all times herein mentioned, Southbound New England Thruway, approximately 1/2 mile south of Exit 13, County of Bronx, State of New York, were public roadways and/or thoroughfares.

DK1 10. That on June 18, 2007, Defendant ABRAHAM MATHEWS was operating his motor vehicle at the aforementioned location.

DK1 11. That on June 18, 2007, Plaintiff SEAN CARROLL was operating the motor vehicle owned by Ryder Truck Rental, Inc. at the aforementioned location.

DK1 12. That on June 18, 2007, the motor vehicle owned and operated by Defendant ABRAHAM MATHEWS came into contact with the motor vehicle operated by Plaintiff SEAN CARROLL at the aforementioned location.

D 13. That as a result of the aforesaid contact, Plaintiff SEAN CARROLL was injured.

D 14. That the aforesaid occurrence was caused wholly and solely by reason of the negligence of the Defendant without any fault or negligence on the part of the Plaintiff contributing thereto.

D 15. That Defendant was negligent, careless and reckless in the ownership, operation, management, maintenance, supervision, use and control of the aforesaid vehicle and the

Defendant was otherwise negligent, careless and reckless under the circumstances then and there prevailing.

D 16. That by reason of the foregoing, Plaintiff SEAN CARROLL sustained severe and permanent personal injuries and was otherwise damaged.

D 17. That Plaintiff SEAN CARROLL sustained serious injuries as defined by §5102(d) of the Insurance Law of the State of New York.

D 18. That Plaintiff SEAN CARROLL sustained serious injuries and economic loss greater than basic economic loss as defined by §5104 of the Insurance Law of the State of New York.

D 19. That Plaintiff SEAN CARROLL is not seeking to recover any damages for which Plaintiff has been reimbursed by no-fault and/or worker's compensation insurance and/or for which no-fault and/or worker's compensation insurance is obligated to reimburse Plaintiff. Plaintiff is seeking to recover only those damages not recoverable through no-fault and/or worker's compensation insurance under the facts and circumstances in this action.

D/KZ 20. That this action falls within one or more of the exceptions set forth in CPLR §1602.


D 21. That by reason of the foregoing, Plaintiff SEAN CARROLL has been damaged in a sum of money having a present value that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter.

WHEREFORE, Plaintiff SEAN CARROLL demands judgment against the Defendant in a sum of money having a present value that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter and Plaintiff requests full and fair

monetary compensation for pain and suffering to be determined by a jury at the time of Trial,
together with the costs and disbursements of this action.

Dated: Bronx, NY
September 17, 2007

Yours, etc.,



THOMAS J. LAVIN, ESQ.
THE LAW OFFICE OF THOMAS J. LAVIN
Attorneys for Plaintiff
SEAN CARROLL
2980 Bruckner Boulevard
Bronx, NY 10465
(718) 829-7400

Auto Aff Def
Demands all
Fees R75

INDIVIDUAL VERIFICATION

STATE OF NEW YORK)
COUNTY OF BRONX) ss:

That deponent has read the foregoing SUMMONS AND VERIFIED COMPLAINT and knows the contents thereof; that the same are true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters deponent believes them to be true.

Deponent further says that the source of deponent's information and the grounds of deponent's belief as to all matters not stated upon deponent's knowledge are from investigations made on behalf of said Plaintiff.

x *L. Carroll*

Sworn to before me on
September 18, 2007

NOTARY PUBLIC

THOMAS J. LAVIN
Notary Public, State of New York
No. 03-5002952
Qualified in Bronx County
Commission Expires October 13, 2010

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEAN CARROLL,

Plaintiff(s),

-against-

ABRAHAM MATHEWS,

Defendant(s).

CASE NO.
07 CIV 9589

=====

NOTICE OF REMOVAL OF ACTION
UNDER 28, U.S.C. §1441(B) (DIVERSITY)
and Jury Demand

=====

STOCKSCHLAEDER McDONALD & SULES, P.C.
Attorney(s) for Defendant(s)
Office and Post Office Address
161 WILLIAM STREET, 19TH FLOOR
NEW YORK, NEW YORK 10038
Tel. No. (212) 608-1911
File No. 2513

PLEASE TAKE NOTICE that pursuant to CPLR 2103(5)
this office does not accept service of papers by
electronic means

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEAN CARROLL
Plaintiff

-v-

ABRAHAM MATHEWS
Defendant

Case No. 07 CIV 9589

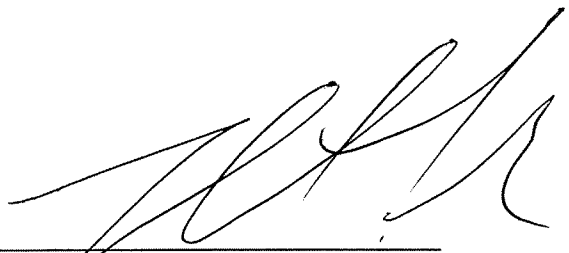
Rule 7.1 Statement

COPY

Pursuant to Federal Rule of Civil Procedure 7.1 [formerly Local General Rule 1.9] and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for Defendant (a private non-governmental party) certifies that the following are corporate parents, affiliates and/or subsidiaries of said party, which are publicly held.

NONE

Date: October 26, 2007


Signature of Attorney
RICHARD T. SILES
Attorney Bar Code: R7S-1665

STOCKSCHLAEDER, MCDONALD & SULES, P.C., ESQS.
161 WILLIAM STREET, 19th Floor
NEW YORK, NEW YORK 10038
(212) 608-1911
Attorneys for Defendant(s)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEAN CARROLL,

Plaintiff(s),

Case No.:
07-CIV-9589

CERTIFICATE OF SERVICE OF
NOTICE TO ADVERSE PARTY
OF REMOVAL TO FEDERAL
COURT

ABRAHAM MATHEWS,

Defendant(s).

X

JOYCE LEE-HAWKINS, certifies and declares as follows:

I am over the age of 18 years and not a party to this
action.

My address is in Brooklyn, New York, which is located in the
city, county and state where the mailing described below took
place.


On November 1, 2007 I deposited in the United States Mail
at New York, New York, a copy of the Notice to Adverse Party of
Removal to Federal Court dated November 1, 2007, a copy of which

is attached to this Certificate, addressed to:

The Law Office of Thomas J. Lavin, Attorney for Plaintiff, 2980
Bruckner Boulevard, Bronx, New York 10465.

I declare under penalty of perjury that the foregoing is
true and correct.

Executed on November 1, 2007.


JOYCE LEE-HAWKINS

STOCKSCHLAEDER, MCDONALD & SULES, P.C., ESQS.
161 WILLIAM STREET, 19TH FLOOR
NEW YORK, NEW YORK 10038
(212) 608-1911
Attorneys for Defendant(s)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEAN CARROLL, Case No.:
07-CIV-9589
Plaintiff(s),

-against-

ABRAHAM MATHEWS,
Defendant(s).

X

NOTICE TO ADVERSE PARTY OF REMOVAL OF ACTION
TO FEDERAL COURT UNDER 28, U.S.C. §1441(B) (DIVERSITY)

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STOCKSCHLAEDER McDONALD & SULES, P.C.
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File No. 2513

PLEASE TAKE NOTICE that pursuant to CPLR 2103(5)
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